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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MANIWANG, JOSEPH R

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,635

Applicant(s)

RAMRAJ ET AL.

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2005.
- 2a) ☒ This action is **FINAL**, 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Pogue et al. (U.S. Pat. No. 6,112,240), hereinafter referred to as Pogue.
3. Regarding claims 1 and 12, Pogue disclosed a method and system comprising a read unit accessing a web page from a web server, wherein the web page includes at least one block of processing code for executing a transaction (see column 4, line 1); a reconfiguration computer downloading the web page from the web server (see column 4, line 1); an update unit updating the web page by inserting instructions in the web page, wherein said instructions comprise a function for monitoring the transaction, including a transaction execution time (see column 4, lines 16-29; column 5, lines 17-30; column 5, lines 60-67); and a storage unit storing the updated web page on the web server (see column 4, lines 2, 23-29, 45-60).
4. Regarding claims 2 and 13, Pogue disclosed the method and system wherein the inserted instructions comprise a call instruction linking the at least one block of code to one or more files comprising monitoring instructions (see column 4, lines 30-32).
5. Regarding claims 3 and 14, Pogue disclosed the method and system wherein the inserted instructions comprise a call instruction providing a data communication link

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both within the web page and to a computer remote from the web server (see column 4, lines 32-35).

6. Regarding claims 4 and 15, Pogue disclosed the method and system further comprising a second storage unit storing the monitoring instructions file on the web server (see column 5, lines 10-14); and a second update unit modifying a web server page tag of the transaction to be monitored to reference the monitoring instructions file (see column 4, lines 16-29).

7. Regarding claims 5 and 16, Pogue disclosed a method and system comprising a first transmission unit sending a web page from a web server to a client browser within a network (see column 4, lines 2-3); a processor executing an applet within the web page on the client browser, wherein the applet includes at least one link to a monitoring code file (see column 4, lines 1, 30-35); a monitoring unit invoking the monitoring code file to monitor a transaction within the applet on the client browser (see column 7, lines 2-10); and a second transmission unit sending data generated from monitoring the transaction to a measurement computer, wherein the measurement computer is a computer other than the web server, and wherein the monitoring code file resides on a computer other than the measurement computer (see column 7, lines 2-28).

8. Regarding claims 6 and 17, Pogue disclosed the method and system where the web page can contain one or more applets and each applet can contain one or more transactions to be monitored (see column 7, lines 29-47).

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9. Regarding claims 7 and 18, Pogue disclosed the method and system wherein the monitoring unit further captures data associated with the execution of the transaction on the client browser (see column 7, lines 2-10).

10. Regarding claims 8 and 19, Pogue disclosed the method and system wherein the monitored transaction data includes one or more data items selected from a list consisting of transaction start and stop time, the time zone in which the transaction is executed, and the operating system of the client browser (see column 5, lines 60-67).

11. Regarding claims 9 and 20, Pogue disclosed the method and system wherein the monitored transaction data is stored and evaluated on the measurement computer independently from the processing of the web page on the client browser (see column 7, lines 2-4, 23-28).

12. Regarding claims 10 and 21, Pogue disclosed a method and system comprising an associating unit linking an applet within a web page on a web server to at least one monitoring code file (see column 7, lines 29-47); a first transmission unit sending the web page from the web server to a client browser within a network (see column 7, lines 29-33); a processor executing the linked applet within the web page on the client browser (see column 7, lines 33-35); a monitoring unit invoking the monitoring code file to monitor a transaction within the linked applet on the client browser (see column 7, lines 35-27); and a second transmission unit sending data from monitoring the transaction to a measurement computer, wherein the measurement computer is a computer other than the web server (see column 7, lines 39-44).

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13. Regarding claims 11 and 22, Pogue disclosed method and system comprising a first transmission unit downloading transaction code from a first computer to be processed on a second computer (see column 4, lines 16-19); a processor executing the downloaded transaction code on the second computer (see column 4, line 1); a browser to extract monitoring code from the first computer to the second computer (see column 4, line 1); a monitor unit on the second computer capturing transaction execution data associated with the executing transaction (see column 4, lines 35-38); and a second transmission unit sending the transaction execution data from the second computer to a third computer, wherein the first, second, and third computers are remote from each other (see column 4, lines 38-44).

Response to Arguments

14. Applicant's arguments filed 09/15/05 have been fully considered but they are not persuasive.

15. Regarding claims 1, 5, 10-12, 16, 21, and 22 rejected under 35 U.S.C. 102(e) as being anticipated by Pogue et al. (U.S. Pat. No. 6,112,240), Applicant asserts that the reference does not teach or suggest "an update unit updating the web page by inserting instructions in the web page, wherein the instructions comprise a function for monitoring the transaction, including a transaction execution time." However, Examiner submits that the reference teaches the broad limitations as claimed. A unit for updating a web page by insertion of instructions into the web page is clearly taught by Pogue as it was disclosed that code could be added to a web page by an application means (see

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column 4, lines 16-29). The code comprised a function for monitoring a transaction as claimed, as information associated with a request for a web page was recorded and transmitted upon execution of the code (see column 5, lines 42-53). Furthermore, as acknowledged by Applicant, Pogue disclosed monitoring a transaction execution time, as the client information recorded could include the time of each web page access or the time between accesses of the web page (see column 5, lines 17-30; column 5, lines 60-67).

16. Regarding claims 8 and 19, Applicant further asserts that Pogue does not teach or suggest a "transaction start and stop time". Applicant asserts specifically that the time between accesses of the web page as disclosed by Pogue does not determine a transaction execution time. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determining a transaction execution time) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, Examiner submits that recording a time between accesses of a web page inherently includes a transaction start and stop time as claimed. A time duration such as that described by Pogue would require a beginning and end, which undoubtedly reads upon the broad concept on a transaction start and stop time. It is thus submitted that Pogue reads upon the broad limitations set forth in the claims and the rejection is maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


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